

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEECO LLC, ET AL.,

Plaintiffs,

-v-

KARTRI SALES COMPANY, INC.,

Defendant.

23 Civ. 2003 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received letters in response to its September 8, 2023 inquiry, Dkt. 26, as to whether to defer resolving defendant's motion to dismiss the complaint pending resolution of defendant's Federal Circuit appeal in the related case of *Focus Products Group International, LLC v. Kartri Sales Co.*, No. 15 Civ. 10154. Dkts. 27, 28.

All parties agree that the pending appeal could affect the pending motion to dismiss, and it is sensible to defer resolution of the motion. Dkts. 27, 28. However, plaintiffs argue that should the Court defer ruling, it should require defendant Kartri Sales Company, Inc. ("Kartri") to post a bond as security during the period when this action is, effectively or actually, stayed. Dkt. 28 at 1–2. The Court seeks Kartri's views on this proposal. Kartri's letter on this point is due by **October 6, 2023**. Kartri should address both whether a bond is warranted, but also, assuming that a bond is to be ordered, what the bond's size and terms should be.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 28, 2023
New York, New York